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April 5, 2018

Hon. Frank P. Geraci, Jr.
Chief District Judge
U.S. Courthouse, 100 State Street
Rochester, New York 114614

**Re: United States v. Donald Gardner, Jr.
15-CR-179-G**

Dear Chief Judge Geraci:

When consenting to the request to adjourn sentencing submissions for 45 days, I asked that the motion request three weeks thereafter for the government to file a single memorandum in opposition/response to the defense submission. It would appear that the defense submissions will be substantial, and my request to revise the schedule is motivated by a desire to move sentencing along by addressing all of the sentencing issues raised by the defense at one time, rather than waiting until receipt of the sentencing submission and then requesting more time to respond. Thus, that portion of the defense motion that states that the parties have agreed to the same schedule that provides for simultaneous filings, with a reply of one week, is inaccurate. Please note that the government filed its sentencing factors statement on March 30, 2018.

Would the Court issue an Order modifying the sentencing submissions schedule as requested by the government?

Respectfully submitted,

JAMES P. KENNEDY, JR.
United States Attorney

BY: s/ MARY C. BAUMGARTEN
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MCB/
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